

# Calendar No. 880

68TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 806

## TO COMPENSATE THE INDIANS OF MINNESOTA FOR LANDS DISPOSED OF BY FREE HOMESTEAD ACT

DECEMBER 10 (calendar day, DECEMBER 13), 1924.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted  
the following

### REPORT

[To accompany H. R. 26]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This bill is not intended to preclude the Chippewa Indians from showing in any court proceeding that this is not a full settlement.

The facts are fully set forth in House Report No. 272, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

There is also attached a letter from the Acting Secretary of the Interior, under date of June 18, 1924.

[House Report No. 272, Sixty-eighth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under provisions of the free homestead act, having considered the same, report thereon with a recommendation that it do pass.

This legislation authorizes the appropriation of the sum of \$1,787,751.36, due the Chippewa Indians of Minnesota under the provisions of the act of January 14, 1889 (25 Stat. L. 642); homestead settlers on the ceded Chippewa lands of Minnesota were required to pay the Chippewa Indians \$1.25 per acre before the issuance of patent. The act of May 17, 1900 (31 Stat. 179), modified the said act of January 14, 1889, by relieving the homestead settlers, and providing that the said payments should be made by the United States as to all lands which already had been open to settlement prior to the passage of the said act. This legislation carries into effect the provisions of the act of May 17, 1900, and compensates the Indians for their land and provides for the payment of interest which they are equitably entitled to receive.

The letter from the Secretary of the Interior to your committee recommending this legislation sets forth the full details of this claim and is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,

Washington, February 9, 1924.

Hon. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,

House of Representatives.

MY DEAR MR. SNYDER: Further reference is made to your letter of January 3, 1924, as to H. R. 26, entitled, "A bill to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act."

The department, on February 24, 1923, submitted a report on H. R. 12274, Sixty-seventh Congress, second session, a bill having the same object in view.

Under the provisions of the act of January 14, 1889 (25 Stat. L. 642), homestead settlers on the ceded Chippewa lands of Minnesota were required to pay the Chippewa Indians \$1.25 per acre before issuance of patent. The act of May 17, 1900 (31 Stat. 179), modified the said act of January 14, 1889, by relieving the homestead settlers and providing that the said payments should be made by the United States as to all lands which already had been open to settlement prior to the passage of the said act.

According to the statement of the General Land Office, there were open to homestead entry on the said Indian lands from 1896 to 1898, 1,385,090.32 acres of land prior to the passage of the said act of May 17, 1900, of which 497,940.62 acres had been proven up and paid for by the settlers. This leaves 887,149.70 acres for which the United States is to compensate the Indians, at \$1.25 per acre.

Under the act of 1889 the Indians were entitled to receive payment for said lands when final proofs were submitted by the entrymen and the moneys so received were deposited to the credit of the Chippewa Indians, as required by the provisions of section 7 of said act, in a permanent fund, to draw interest at the rate of 5 per cent per annum, payable annually for a period of 50 years. If the settlers had not been relieved of the payment the Indians would have drawn interest on the funds paid in at the time of final proof. They are, therefore, equitably entitled to payment of this interest by the United States.

The following table shows the acreage proved up by settlers each year, with the value thereof figured at \$1.25 per acre, and also the approximate interest thereon at the rate of 5 per cent from the end of each fiscal year, to and including December 31, 1922.

| Fiscal year                 | Number of acres | Rate per acre | Amount       | Approximate time (years) <sup>1</sup> | Interest   |
|-----------------------------|-----------------|---------------|--------------|---------------------------------------|------------|
| 1900                        | 320.00          | \$1.25        | \$400.00     | 22½                                   | \$450.00   |
| 1901                        | 8,400.98        | 1.25          | 10,501.23    | 21½                                   | 11,288.79  |
| 1902                        | 60,579.71       | 1.25          | 75,724.64    | 20½                                   | 77,617.71  |
| 1903                        | 82,056.58       | 1.25          | 102,570.72   | 19½                                   | 100,006.53 |
| 1904                        | 47,392.40       | 1.25          | 59,240.50    | 18½                                   | 54,797.55  |
| 1905                        | 43,969.36       | 1.25          | 54,961.70    | 17½                                   | 48,091.40  |
| 1906                        | 45,703.51       | 1.25          | 57,129.39    | 16½                                   | 47,131.75  |
| 1907                        | 56,450.59       | 1.25          | 70,563.24    | 15½                                   | 54,686.48  |
| 1908                        | 71,679.34       | 1.25          | 89,599.17    | 14½                                   | 64,859.42  |
| 1909                        | 67,666.59       | 1.25          | 84,583.24    | 13½                                   | 57,093.66  |
| 1910                        | 53,879.65       | 1.25          | 67,349.56    | 12½                                   | 42,093.50  |
| 1911                        | 37,288.48       | 1.25          | 46,535.60    | 11½                                   | 26,757.97  |
| 1912                        | 23,840.75       | 1.25          | 29,800.94    | 10½                                   | 15,645.52  |
| 1913                        | 16,604.57       | 1.25          | 20,755.71    | 9½                                    | 9,859.00   |
| 1914                        | 25,309.13       | 1.25          | 31,636.41    | 8½                                    | 13,445.47  |
| 1915                        | 27,620.27       | 1.25          | 34,525.34    | 7½                                    | 12,947.02  |
| 1916                        | 31,060.60       | 1.25          | 38,825.75    | 6½                                    | 12,618.38  |
| 1917                        | 30,308.72       | 1.25          | 37,885.90    | 5½                                    | 10,418.65  |
| 1918                        | 37,981.92       | 1.25          | 47,477.40    | 4½                                    | 10,682.42  |
| 1919                        | 19,025.31       | 1.25          | 23,781.65    | 3½                                    | 4,161.78   |
| 1920                        | 17,520.84       | 1.25          | 21,901.05    | 2½                                    | 2,737.62   |
| 1921                        | 11,781.76       | 1.25          | 14,727.20    | 1½                                    | 1,104.54   |
| 1922                        | 7,009.40        | 1.25          | 8,761.77     | (?)                                   | 219.00     |
| July 1 to December 31, 1922 | 1,232.45        | 1.25          | 1,540.56     |                                       |            |
| Total                       | 824,622.91      |               | 1,030,778.67 |                                       | 678,814.20 |

<sup>1</sup> At 5 per cent.<sup>2</sup> 6 months.

There remain 62,526.79 acres upon which final proof has not yet been made and upon which, of course, no interest attaches.

Using the foregoing data, the liability of the United States to the Chippewa Indians of Minnesota is as follows:

|   |                   |
|---|-------------------|
| For payment for 824,622.91 acres at \$1.25 per acre.....                    | \$1, 030, 778. 67 |
| For payment of interest on separate amounts, as per table.....              | 678, 814. 20      |
| For payment for 62,526.79 acres on which final proof has not been made..... | 78, 158. 49       |
| Total amount due to December 31, 1922.....                                  | 1, 787, 751. 36   |

The Chippewa Indians of Minnesota, therefore, are entitled, as of December 31, 1922, to the sum above named, with interest on the said amount at the rate of 5 per cent per annum from December 31, 1922, and the bill as drafted provides for the payment of these sums.

After these years of delay, the department feels that prompt settlement should be made with the Indians, and, therefore, recommends the bill to the favorable consideration of your committee and to the Congress.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,  
Washington, June 18, 1924.

Hon. J. W. HARRELD,  
*Chairman Committee on Indian Affairs,  
United States Senate.*

MY DEAR SENATOR HARRELD: Reference is made to your letter of June 12, requesting to be informed whether the bill you inclose (H. R. 26, 68th Cong. 1st sess.), is the same in form as the bill we reported on while it was pending in the House.

The bill you inclose is the same in form as the bill mentioned in our said report, a copy of which is inclosed herewith.

Very truly yours,

E. C. FINNEY,  
*Acting Secretary.*

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